

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHRISTOPHER L AMERSON,

Plaintiff,

V.

WARDEN T SMITH, et al.,

Defendants.

CIVIL ACTION NO. 5:23-CV-268 (MTT)

ORDER

Magistrate Judge Charles H. Weigle recommends denying Amerson's motion "for a[n] order for examination by a[n] outside physician" (Doc. 36). Doc. 38. Because Amerson requested an examination by an outside physician for "emergency reasons," the Magistrate Judge construed Amerson's motion as a motion for a preliminary injunction. Docs. 36 at 1; 38 at 1. Amerson objects¹ (Doc. 49), so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews de novo the portions of the Recommendation to which Amerson objects.

Amerson alleges that the defendants continue to deny him medical care and as a result his health is continuing to decline. Doc. 49 at 2. But Amerson also claims that the defendants have provided him some medical care, including a “T.B. shot.” *Id.* The Magistrate Judge recommends denying Amerson’s motion because “[a]t this early

¹ The Court construes Amerson's "motion for ruling on order request to be examined by a[n] outside physician" (Doc. 49) as an objection.

junction, the facts have not been sufficiently developed to conclude that there is a substantial likelihood that [Amerson] will ultimately prevail on the merits of this case.” Doc. 38 at 2. Amerson’s conclusory and contradictory allegations about the medical care he is receiving provides further support for the Magistrate Judge’s conclusion that “[a]ny claims for outside medical relief can [] be addressed as this case proceeds” and after the defendants have an opportunity to respond. *Id.* Thus, Amerson’s objection does not remedy his failure to demonstrate that he is entitled to a preliminary injunction.

After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 38) is **ADOPTED** and made the Order of the Court. Accordingly, Amerson’s motion “for a[n] order for examination by a[n] outside physician” (Doc. 36) is **DENIED**.

SO ORDERED, this 31st day of May, 2024.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT